

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

In re:

Elenita Pennington Utley

S.S. No.: xxx-xx-6333

Mailing Address: 1608 Nixon Street, Durham, NC 27707-

Case No. 10-82300

Debtor.

NOTICE TO CREDITORS AND PROPOSED PLAN

The Debtor has filed for relief under Chapter 13 of the United States Bankruptcy Code on December 21, 2010.

The filing automatically stays collection and other actions against the Debtor, Debtor's property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtor's proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: January 6, 2011

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s John T. Orcutt

John T. Orcutt

N.C. State Bar No. 10212

Counsel for the Debtor

6616-203 Six Forks Rd.

Raleigh, N.C. 27615

Tel. No. (919) 847-9750

circular.wpt (rev. 5/17/09)

CH. 13 PLAN - DEBTS SHEET (MIDDLE DISTRICT - DESARDI VERSION)

Date: 8/18/10

Lastname-SS#: Utley-6333

RETAIN COLLATERAL & PAY DIRECT OUTSIDE PLAN

Creditor Name	Sch D #	Description of Collateral

SURRENDER COLLATERAL

Creditor Name	Description of Collateral

ARREARAGE CLAIMS

Creditor Name	Sch D #	Arrearage Amount	(See †)
			**
			**
			**
			**
			**
American General		\$2,928	**
Durham County			**
			**
			**

REJECTED EXECUTORY CONTRACTS/LEASES

Creditor Name	Description of Collateral

LTD - DOT ON PRINCIPAL RESIDENCE & OTHER LONG TERM DEBTS

Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
American General		\$669	N/A	n/a	\$669.00	Home and Land
Durham County		\$76	N/A	n/a	\$76.00	Home and Land
			N/A	n/a		
			N/A	n/a		

SID - SECURED DEBTS at FMV

Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
HFC			5.00			Home and land
Aluminum Company of NC			5.00			Home and land
United Guaranty			5.00			Home and land
			5.00			

SID - SECURED DEBTS at 100%

Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
			5.00			
			5.00			
			5.00			
			5.00			
			5.00			

ATTORNEY FEE (Unpaid part)		Amount
Law Offices of John T. Orcutt, P.C.		\$2,300
SECURED TAXES		Secured Amt
IRS Tax Liens		
Real Property Taxes on Retained Realty		\$3,750
UNSECURED PRIORITY DEBTS		Amount
IRS Taxes		\$7,007
State Taxes		
Personal Property Taxes		
Alimony or Child Support Arrearage		
CO-SIGN PROTECT (Pay 100%+)	Int. %	Payoff Amt
All Co-Sign Protect Debts (See*)		
GENERAL NON-PRIORITY UNSECURED		Amount (**
DMI=	None(\$0)	None(\$0)

PROPOSED CHAPTER 13 PLAN PAYMENT

\$ **\$1,081** per month for **60** months, then

\$ **N/A** per month for **N/A** months.

Adequate Protection Payment Period: **5.74** months.

Sch D # = The number of the secured debt as listed on Schedule D

Adequate Protection = Monthly 'Adequate Protection' payment amt.

† = May include up to 2 post-petition payments

* Co-sign protect on all debts so designated on the filed schedules.

** = Greater of DMI x ACP or EAE (Page 4 of 4)

Ch13Plan_MD_(DeSardi Version 1/12/10) © LOJTO

Other Miscellaneous Provisions

Plan to allow for 3 "waivers". Interest on EAE at fed. judgment rate

CERTIFICATE OF SERVICE

I, Kaelyn McCollum, the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

All the creditors set forth on the mailing matrix filing in this case.

/s Kaelyn McCollum

Kaelyn McCollum

North Carolina Department of Revenue
c/o NC Department of Justice
Post Office Box 629
Raleigh, NC 27602-0629

US Attorney's Office (ED)**
310 New Bern Avenue
Suite 800, Federal Building
Raleigh, NC 27601-1461

Credit Financial Services
Post Office Box 451
Durham, NC 27702-0451

Employment Security Commission
Attn: Benefit Payment Control
Post Office Box 26504
Raleigh, NC 27611-6504

Absolute Collection Service
421 Fayetteville Street Mall
Ste 600
Raleigh, NC 27601

CSDDUR
Post Office Box 530
Durham, NC 27702-0530

Credit Bureau
Post Office Box 26140
Greensboro, NC 27402

Action Card
c/o Bank First
Post Office Box 5052
Sioux Falls, SD 57117-5052

Durham County Tax Collector
Post Office Box 3397
Durham, NC 27701

NC Child Support
Centralized Collections
Post Office Box 900006
Raleigh, NC 27675-9006

Aluminum Company of NC
1335 Hamlin Road
Attn: Managing Agent
Durham, NC 27704

Durham County Tax Collector
Post Office Box 3397
Attn: Managing Agent
Durham, NC 27701

Equifax Information Systems LLC
P.O. Box 740241
Atlanta, GA 30374-0241

American General Finance
3808 Guess Road
Suite D
Attn: Managing Agent
Durham, NC 27705-1550

First Premier Bank
900 Delaware
Suite 7
Sioux Falls, SD 57104

Experian
P.O. Box 2002
Allen, TX 75013-2002

Amex
Post Office Box 297871
Fort Lauderdale, FL 33329-7871

GEMB/Walmart
Post Office Box 981400
C77W
El Paso, TX 79998

Trans Union Corporation
P.O. Box 2000
Crum Lynne, PA 19022-2000

Capital One Bank
Post Office Box 85015
Richmond, VA 23285-5015

Ginny's
1112 7th Avenue
Monroe, WI 53566-1364

ChexSystems
Attn: Consumer Relations
7805 Hudson Road, Ste. 100
Woodbury, MN 55125

Carmel Finance
101 East Carmel Drive
Suite 200
Carmel, IN 46032-2668

HFC
Post Office Box 8633
Attn: Managing Agent
Elmhurst, IL 60126

Internal Revenue Service (ED)**
Post Office Box 7346
Philadelphia, PA 19101-7346

Credit Bureau of Greensboro**
Post Office Box 26140
Greensboro, NC 27402-0040

HSBC NV
Post Office Box 19360
Portland, OR 97280-9360

Internal Revenue Service**
P.O. Box 21126
Philadelphia, PA 19114

Midland**
8875 Aero Drive
Suite 200
San Diego, CA 92123

NCO Financial Systems
Post Office Box 61247
Dept. 64
Virginia Beach, VA 23466

North Carolina Department of Revenue
c/o Reginald S. Hinton
Post Office Box 25000
Raleigh, NC 27640-5000

North Carolina Dept of Revenue**
Post Office Box 1168
Raleigh, NC 27602-1168

PSNC Energy
Post Office Box 1398
Gastonia, NC 28053-1398

Tribute
Post Office Box 136
Newark, NJ 07101-0136

United Guaranty Residential Ins. Co
Post Office Box 21367
Attn: Managing Agent
Greensboro, NC 27420-1367